

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LOUISIANA HEALTH SERVICE & INDEMNITY COMPANY D/B/A BLUE CROSS AND BLUE SHIELD OF LOUISIANA, HMO LOUISIANA, INC., and DAVID MITCHELL, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

CELGENE CORPORATION, BRISTOL MYERS SQUIBB COMPANY, ANTHONY INSOGNA, and JEROME ZELDIS,

Defendants.

Case No. 1:23-cv-07871

PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL OF DEFENDANT BRECKENRIDGE PHARMACEUTICALS, INC.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), the plaintiffs, Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield and HMO Louisiana, Inc., voluntarily dismiss all claims asserted against defendant Breckenridge Pharmaceuticals, Inc. (Breckenridge) in the above-captioned matter, without prejudice.

Rule 41(a)(1)(A) provides for voluntary dismissal of an action by a plaintiff. Should the plaintiff file a notice of dismissal before the service of an answer or motion for summary judgment by the opposing party, Fed. R. Civ. P. 41(a)(1)(A)(i) applies and allows dismissal without a court order. Breckenridge has neither answered the complaint nor filed a motion for summary judgment.

The plaintiffs voluntarily dismiss all claims against Breckenridge in the above-captioned matter, without prejudice.

Dated: December 19, 2023

Respectfully Submitted,



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SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: December 20, 2023
New York, New York

CERTIFICATE OF SERVICE

I, Whitney E. Street, certify that, on this date, the foregoing document was filed electronically via the Court's CM/ECF system, which will send notice of the filing to all counsel of record, and parties may access the filing through the Court's system.

Dated: December 19, 2022

/s/Whitney E. Street

Whitney E. Street